

**REMARKS**

Claims 1-8 are all the claims pending in the present application.

**I. Priority Document:**

At numbered paragraph 2 of the Office Action, the Examiner indicates that the certified copy of the priority document has not been submitted as required. Applicant respectfully disagrees.

This application is the National Stage of a PCT application. As such, no certified copy is required, unless necessary to overcome an intervening reference. MPEP 1893.03(c) even indicates that the certified copy requirement is fulfilled when the International Bureau forwards the priority document (which is a simply a copy of a certified copy). In this case, the form PCT/DO/EO/903 (dated December 13, 2000) indicates that the USPTO received the priority document from the International Bureau.

***Accordingly, Applicant respectfully requests the Examiner to acknowledge in the next Patent Office paper that the certified copy of the foreign priority document has been received.***

**II. Information Disclosure Statement:**

At numbered paragraph 3 of the Office Action, the Examiner indicates that he has not considered the six foreign patent documents listed on the Form PTO-1449 that was submitted together with the November 27, 2000 Information Disclosure Statement ("IDS"). Applicant respectfully disagrees with the basis for the Examiner's refusal for the following reasons.

All of the references listed on the 1449 were cited in the International Search Report ("ISR") of the corresponding PCT application. According to MPEP 1893.03(g), the Examiner will consider the documents cited in the ISR,

***without any further action by Applicant under 37 C.F.R. 1.97 and 1.98,*** when both the ISR and copies of the documents are indicated to be present in the National Stage file. In this case, Form PCT/DO/EO/903 (dated December 13, 2000) indicates that the USPTO received both the ISR and copies of the references cited therein.

***For the foregoing reasons, Applicant respectfully request the Examiner to forward another initialed copy of the November 27, 2000 form PTO-1449 in which all six of the foreign patent documents have been initialed, indicating that these references have been considered. A courtesy copy of the form PTO-1449 is enclosed for the Examiner's convenience.***

### **III. Specification Amendments:**

Although not objected to by the Examiner, Applicant has amended the specification by deleting the term "integral" in favor of the term --integer--. The claims have also been amended in this manner.

Applicant respectfully submits that the specification amendments do not introduce any new matter to the extent that they merely correct an obvious typographical error. Furthermore, support for the term substitution can be found in Figs. 1 and 2, which clearly shows that the pulses of the binary signal 4(8) are of a duration that is an integer multiple of one time interval. For example, and with reference to Fig. 1, the second low pulse of the binary signal 4 has a duration that spans five time intervals (i.e., Z3-Z7).

### **IV. Claim Rejection on Prior Art Grounds:**

The Examiner rejects claims 1-8 under 35 U.S.C. 103(a) as being obvious over U.S. 5,663,987 to Corcoles ("Corcoles") in view of U.S. 5,801,862 to

Desurvire et al. ("Desurvire"). Applicant respectfully disagrees for the following reasons.

**A. Independent Claim 1 – The Method:**

Independent claim 1 define a method that involves (among other things) determining level holding times respectively indicating "an amount of time that a level remains unchanged within a time interval." An exemplary non-limiting embodiment of this feature is depicted in Fig. 1. Consider the second time interval Z2, for example. Here, the disturbed binary signal 1 remains at a low level for a holding time Ph21 for 30% of the time interval Z2, and then changes to a high level at which it remains for a holding time Ph22 for the remaining 70% of the time interval Z2. In this exemplary embodiment, since the holding time Ph22 of 70% exceeds the predetermined value of 30%, the high level for the time interval Z2 is transferred for restoring the binary signal 4. At least the "level holding time" feature (as defined by claim 1), in combination with the other features defined by claim 1, is not taught or suggested by the prior art relied upon by the rejection grounds.

The rejection grounds rely upon the primary reference of Corcoles to teach most of the features defined by claim 1, inclusive of determining "level holding times." Applicant respectfully submits that this rejection position is not convincing, however, because the primary reference does not teach the features upon which the Examiner relies to reject claim 1.

As shown in Fig. 4 of Corcoles, the disclosed receiver device has a digital filter 14 that samples at regular intervals the output signals from the circuit 13. The samples are then analyzed to provide logic signals to the processing circuit 4. A logic state is determined to be true when a certain proportion of samples corresponding to this state is reached. The rejection grounds compare Corcoles' "proportion of samples" consideration to the "level holding times"

feature defined by claim 1. However, this rejection position is tenable only by placing a strained interpretation on the reference.

More specifically, the Examiner's attention is respectfully directed to Figs. 5b and 5c of Corcoles, which respectively show the disturbed signal and the filtered signal. In Fig. 5b, during the first analysis period 7, four samples are taken. Since three out of the four samples are at a low state, the filter 14 supplies a low state on output. However, the three low state samples do not indicate the amount of time that the disturbed signal  $S_p$  remains unchanged. Indeed, as clearly shown in Fig. 5b, the level changes from the low level (at the first sample) to a high level (at the second sample) and back to the low level (at the third and fourth samples). In this regard, the "proportion of samples" approach taught by Corcoles is simply not pertinent to an amount of time that a level of the distorted signal remains unchanged within a time interval.

Since Corcoles is not pertinent to the "level holding times" feature of the present invention, it cannot be pertinent the transfer feature defined by the last clause of claim 1.

Applicant respectfully submits that the secondary to Desurvire does not make up for the deficiencies of Corcoles noted above. Consequently, even if combined in the manner suggested by the rejection grounds, the prior art would still not meet all the limitation defined by independent claim 1.

**B. Independent Claim 4 – The Circuit Arrangement:**

Independent claim 4 is similar to claim 1 to the extent that claim 4 recites (albeit in a different format) the "level holding times" feature discussed above. Accordingly, Applicant respectfully submits that claim 4 is patentable for reasons analogous to those noted above with respect to claim 1.

AMENDMENT UNDER 37 C.F.R. § 1.111

Appln. No. 09/701,184

Attorney Docket No. 32860-000111/US

**CONCLUSION**

For these reasons, Applicant respectfully asserts that independent claims 1 and 4 are patentable, and that claims 2, 3, and 5-8 are patentable at least by virtue of their dependencies. Applicant earnestly solicits an early indication of the allowability of all of the pending claims.


In the event that any matters remain at issue in the application, the Examiner is invited to contact the undersigned at (703) 668-8000 in the Northern Virginia area, for the purpose of a telephonic interview.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY & PIERCE, P.L.C.

By

  
\_\_\_\_\_  
Ray Hellin  
Reg. No. 41,060

P.O. Box 8910  
Reston, VA 20195  
(703) 668-8000

DJD/HRH:ybm